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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 DANIEL RAY SITTON,

9 Plaintiff,

10 v.

11 SUE BERG, *et al.*,

12 Defendants.

Case No. C13-820-RAJ-BAT

**ORDER GRANTING DEFENDANT  
A.O. DENNY'S MOTION TO DISMISS**

13 The Court, having reviewed defendant A.O. Denny's motion to dismiss, plaintiff's  
14 response thereto, the parties' motions pertaining to the disqualification of A.O. Denny, the  
15 Report and Recommendation of Brian A. Tsuchida, United States Magistrate Judge, plaintiff's  
16 objections, and the remaining record, does hereby find and ORDER:

17 (1) The Court adopts the Report and Recommendation.  
18 (2) Defendant A.O. Denny's motion to dismiss (Dkt. No. 15) is **GRANTED**.  
19 (3) Plaintiff's amended complaint and this action are **DISMISSED** with prejudice as  
20 to all claims asserted against defendant Denny.

21 (4) Defendant Denny's motion for an order finding that he is not disqualified from  
22 serving as defendants' counsel (Dkt. No. 21) is **GRANTED** and plaintiff's motion to disqualify  
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ORDER GRANTING DEFENDANT A.O.  
DENNY'S MOTION TO DISMISS - 1

1 defendant Denny from representing the remaining defendants (Dkt. No. 43) is **DENIED**.

2 (5) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
3 defendants, and to the Honorable Brian A. Tsuchida.

4 DATED this 24th day of December, 2013.

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7 The Honorable Richard A. Jones  
8 United States District Judge  
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